THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.11994 of 2000

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02.12.2005

Between:

APSRTC, rep. By its Managing Director, Mushirabad, Hyderabad.

… Petitioner

AND

1. State Transport Appellate Tribunal, A.P., Hyderabad

And others

… Respondents

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WRIT PETITION No.11994 of 2000

ORDER:

The third respondent, who is a permit holder of a State carriage route, Jalampalli junction to Madugula, approached the second respondent seeking extention of the route from Jalampalli junction to Kinthali. The same was opposed by Andhra Pradesh State Road Transport Corporation (APSRTC), *inter alia*, on the ground that the entire variation portion overlaps the notified routes in G.O.Ms.Nos.652, 658, 698, 700, 703 and 714; all even dated 02.11.1987. It was also urged that APSRTC is running sufficient number of buses to Kinthali and therefore there is no necessity for entertaining the application of third respondent. Accepting the version of APSRTC, the second respondent by order dated 24.8.1996 rejected

the application of the third respondent.

In the review petition filed by the third respondent under Section 90 of Motor Vehicles Act, 1988 (the Act, for brevity) before the first respondent, *inter alia*, it was contended that there is no approved route from Jalampalli junction to Kinthali and therefore any grant of permit would be illegal in view of Section 68 (3)(ca) of the Act. It was also urged by APSRTC that in view of overlapping as per notified route, grant of extension is impermissible. The first respondent, however, rejected the contention and allowed the revision petition of the third respondent directing issue of extension to third respondent. Aggrieved by the order of State Transport Appellate Tribunal (STAT), dated 30.3.2000, APSRTC preferred the present writ petition seeking a writ of Certiorari.

After hearing learned Standing Counsel for APSRTC, Sri K.Srinivasa Rao, learned Counsel for third respondent, Sri P.Raja Gopala Chari, and learned Government Pleader for Transport, this Court does not find any infirmity insofar as the finding of the first respondent is concerned that there is no overlapping of the notified route. However, as rightly submitted by the learned Standing Counsel for APSRTC, the Government has not notified route, namely, Jalampalli junction to Kinthali, as required under Section 68(3)(ca) of the Act. The learned Government Pleader does not dispute the same. Therefore, in the absence of any notified route, grant of permit is not illegal, in view of the judgment of this Court in **C.Kavitha v State Transport Appellate Tribunal, Andhra Pradesh**. Following the same, the writ petition has to be allowed.

Accordingly, the writ petition is allowed. There shall be no order as to costs.

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(**V.V.S.RAO,J**)

December 02, 2005.

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